Compañia Española, 134 N. Y. 461, 31 N. E. 987; *Adamson* v. *Jarvis*, 4 Bing. 66. However, the rule of no indemnity or contribution still applies where the wrong is intentional or morally blameworthy. *Boyer* v. *Bolender*, 129 Pa. 324, 18 Atl. 127; *Davis* v. *Gelhaus*, 44 Ohio St. 69, 4 N. E. 593. The finding that the plaintiff was actuated by malice would therefore amply justify the court in refusing to allow a substantial recovery. But the award of nominal damages is open to criticism. Although the court implies a contractual duty of indemnification — a pure fiction — it overlooks the fact that such contracts, where the tort is a malicious libel, are illegal, and so unenforceable. *Smith and Son* v. *Clinton*, 25 T. L. R. 34; *Shackell* v. *Rosier*, 2 Bing. N. Cas. 634; *Arnold* v. *Clifford*, 2 Sumn. (U. S.) 238. The proper decision would seem to be simply judgment for the defendant.

BILLS AND NOTES — NEGOTIABLE INSTRUMENTS LAW — EFFECT ON THE LIMITATION OF ACTION. — The defendant drew a check on a local bank to the order of the plaintiff. Ten years later the plaintiff presented the check, was refused payment, and gave notice of dishonor to the defendant. Section 186 of the Negotiable Instruments Law provides as follows: "A check must be presented for payment within a reasonable time after its issue or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay." The defendant relied on the Statute of Limitations. *Held*, that the plaintiff's cause of action was barred. *Colwell* v. *Colwell*, 179 Pac. 916 (Ore.).

The rule that, in the case of a demand note, the Statute of Limitations begins to run after a reasonable time has elapsed, even though no demand has been made, has been applied to the presentment of a check. *Scroggin* v. *McClelland*, 37 Neb. 644, 56 N. W. 208. This seems sensible. However, many states have held that section 119 of the Negotiable Instruments Law, which provides five ways in which parties primarily liable may be discharged, abrogates the older common or statutory law that a surety is discharged by an extension of time given to the principal debtor. *Union Trust Co.* v. *McGinty*, 212 Mass. 205, 98 N. E. 679; *Richards* v. *Market Exchange Bank*, 81 Ohio St. 348, 90 N. E. 1000. But in such a case the terms of the Negotiable Instruments Law and the previous rule of suretyship can be said to be inconsistent, whereas, in the principal case, the section in question and the Statute of Limitations can unquestionably stand together. Therefore those cases furnish no analogy. The exact point is new; but it seems properly decided.

CARRIERS — STATE REGULATION — VALIDITY OF AN INCREASE IN RATE ALLOWED WITHOUT A VALUATION OF CARRIER'S PROPERTY. — The New Jersey Board of Public Utilities Commissioners allowed certain trolley companies to increase their rates, basing its order on the advance in operating expenses due to an ascertained rise in prices without making any valuation of the companies' property. *Held*, that it was proper to allow the increase. *O'Brien* v. *Board of Public Utilities Commissioners*, 106 Atl. 414 (N. J.).

Administrative orders, of such judicial character as to require a hearing, are void if the hearing granted was inadequate or manifestly unfair. *Chin Yow* v. *United States*, 208 U. S. 8; *Atchison, T. & S. F. Ry. Co.* v. *Spiller*, 158 C. C. A. 227. The same is true if the facts found do not as a matter of law support the order made. *United States* v. *B. & O. S. W. R. R.*, 226 U. S. 14. See *Interstate Commerce Commission* v. *Louisville & Nashville R. R.*, 227 U. S. 88, 91. In the principal case, if the original rate had been proved reasonable, then it would seem to follow that the new rate would also be reasonable if calculated by adding the increase due to a rise in operating expenses produced by unavoidable causes. See *American Express Company* v. *Michigan*, 177 U. S. 404, 408; *The Five Per Cent Case*, 32 I. C. C. 325. It would seem equally clear that

if evidence of the unreasonableness of the old rate had been excluded at the hearing, or had been introduced and had been disregarded, the order would be void as based upon an inadequate or unfair hearing. See *Interstate Commerce Commission* v. *Louisville & Nashville R. R.*, *supra*. But in the principal case no evidence pro or con as to the reasonableness of the old rate was offered. See 13 RATE RESEARCH, 261; P. U. R. 1919 A 204. Where an existing rate is attacked, the burden is on the complainant to establish that it is unreasonable. *Louisville and Nashville Railroad* v. *United States*, 238 U. S. 1; *Louisville and Nashville Railroad* v. *Finn*, 235 U. S. 601. By the same reasoning, it would seem that in the principal case the commission was justified in assuming the old rate to be reasonable and in ordering an increase on the basis of the rise in operating expenses.

CONSTITUTIONAL LAW — PERSONAL RIGHTS: CIVIL, POLITICAL, AND RELIGIOUS — POWER OF THE STATE TO LEGISLATE IN FEDERAL MATTERS. — A state statute provided that all male residents of the state between the ages of eighteen and fifty-five, not in the national army, should be usefully employed, and that "every such person who shall not be so employed shall be subject to be assigned by the said council [of defense] to such employment as the said council shall from time to time determine and at such compensation as the said council and employer shall agree to be reasonable and proper." The statute made a refusal to work a misdemeanor. *Held*, that this statute is constitutional. *State* v. *McClure*, 105 Atl. 712 (Del.).

In time of peace, this statute would probably not be violative of the Thirteenth Amendment, since one could exercise his volition in the choice of and change of his occupation, although there are very few decisions upon involuntary servitude that are at all helpful. See *Peonage Cases*, 123 Fed. 671, 680; *Bailey* v. *Alabama*, 219 U. S. 219, 241. Although the question has never been decided, it is also probable that such a statute would not be held to deprive one of liberty without due process of law, nor deny to him the equal protection of the laws. See Felix Frankfurter, "Constitutional opinions of Justice Holmes," 29 HARV. L. REV. 683. Whatever might be true in time of peace, such an enactment by Congress in time of war would undoubtedly be constitutional. U. S. CONSTITUTION, Art. I, § 8; *Selective Draft Law Cases*, 245 U. S. 366. See Charles M. Hough, "Law in War Time — 1917," 31 HARV. L. REV. 692. The only other question is whether a state has power to pass such a statute in aid of the federal government. A state may exercise any power that is not taken from it expressly or by necessary implication. *Halter* v. *Nebraska*, 205 U. S. 34. Thus, it has been held that a state may legislate against the use of the United States flag for advertising purposes. *Halter* v. *Nebraska*, *supra*. And a state may pass laws in aid of interstate commerce, an admittedly federal matter. *Western Union Telegraph Co.* v. *James*, 162 U. S. 650; *Western Union Telegraph Co.* v. *Crovo*, 220 U. S. 364. The statute under consideration seems therefore to have been properly upheld.

CONSTITUTIONAL LAW — PRIVILEGES, IMMUNITIES, AND CLASS LEGISLATION — DENIAL TO ALIENS OF THE RIGHT TO MAINTAIN BILLIARD ROOMS. — An ordinance of Cincinnati required persons maintaining pool and billiard rooms to be licensed, and provided that no license be granted to a person who was not a citizen of the United States. *Held*, that the ordinance is constitutional. *State ex rel. Balli* v. *Carrell, auditor*, 124 N. E. 129 (Ohio).

Keeping public billiard rooms for hire is an occupation which the state may prohibit in the exercise of its police power. *Murphy* v. *People of California*, 225 U. S. 623. *A fortiori*, the state may require persons engaged in that occupation to be licensed. Aliens may be excluded from privileges of citizens when, as a class, they are the persons from whom the evil sought to be corrected is